



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 23, 1996

Ms. Kathleen Weisskopf  
Assistant City Attorney  
City of Arlington  
200 West Abram Street  
Arlington, Texas 76004-0231

OR96-1526

Dear Ms. Weisskopf:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100240.

The City of Arlington (the "city") received a request for the names, addresses, and phone numbers of the registered owners of two bonds issued by the city. You assert that this information is excepted from disclosure pursuant to section 552.101 of the Government Code under a right of privacy.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses the common-law right of privacy, as well as constitutional privacy. For information to be protected from public disclosure under the common-law right of privacy, the information must meet the criteria set out in *Industrial Foundation of the South v. Texas Industrial Accident Board*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld under common-law privacy if: (1) the information contains highly intimate or embarrassing facts about a person's private affairs such that its release would be highly objectionable to a reasonable person and (2) the information is of no legitimate concern to the public. *Id.*; see also Open Records Decision No. 628 (1994).

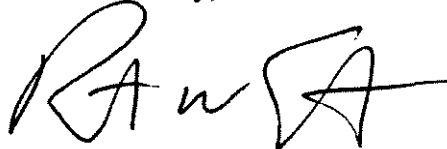
Information regarding a financial transaction between an individual and a governmental body is a matter of legitimate public interest, and the doctrine of common-law privacy generally does not protect from disclosure information regarding such a transaction. Open Records Decision No. 590 (1991) at 3, 523 (1989) at 3-4. Moreover, common-law privacy does not protect "basic facts" concerning a financial transaction between an individual and a governmental body. Open Records Decision Nos. 523 (1989), 385 (1983).

An individual's purchase of a bond from a governmental entity is a financial transaction between the bondholder and a public body, relating to the receipt and expenditure of public funds. As such, it does not involve facts about the individual's private affairs. The public has an interest in knowing how public entities are funded. This concern extends to the amount and identity of the bondholder. Thus, we do not find that common-law privacy bars disclosure of the requested information.

The right to privacy guaranteed under the United States Constitution protects two related interests: (1) the individual's interest in independence in making certain kinds of important decisions and (2) the individual's interest in avoiding disclosure of personal matters. *See* Open Records Decision No. 478 (1987) at 4. The first interest applies to the traditional "zones of privacy," that is, marriage, procreation, contraception, family relationships, and child rearing and education. *See* Open Records Decision No. 447 (1986) at 4. The second protects information by employing a balancing test that weighs the privacy interest against the public interest. Open Records Decision No. 478 (1987) at 4. It protects against "invasions of privacy involving the most intimate aspects of human affairs." Open Records Decision No. 455 (1987) at 5 (citing *Ramie v. City of Hedwig Village*, 765 F.2d 490, 492 (5th Cir. 1985), *cert. denied*, 474 U.S. 1062 (1986)). Financial dealings between an individual and a public body are not an intimate aspect of human affairs. Therefore, the requested information is not excepted from disclosure pursuant to constitutional privacy interests and must be released. *See* Open Records Decision No. 590 (1991).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RWS' followed by a stylized flourish.

Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/rho

Ref.: ID# 100240

Enclosures: Submitted documents

Ms. Kathleen Weisskopf - Page 3

cc: Mr. Robert Butler  
500 North Akard, Suite 3900  
Dallas, Texas 75201  
(w/o enclosures)